
OLR Bill Analysis

sSB 929

AN ACT TRANSFERRING CERTAIN FUNCTIONS AND OPERATIONS OF THE DEPARTMENT OF CONSTRUCTION SERVICES AND REGULATING SPECIAL EFFECTS DISPLAYS.

SUMMARY:

This bill returns statutory responsibility for regulating rocketry, explosives and blasting agents, and fireworks and special effects to the Department of Emergency Services and Public Protection (DESPP) from the Department of Construction Services (DCS). DESPP regulated these areas before the 2011 agency consolidations and continues to do so under a memorandum of understanding with DCS.

The bill makes conforming changes, replacing the (1) authority of the state fire marshal, whose office is within DCS, with the DESPP commissioner's authority with regard to regulating fireworks and special effects and (2) DCS commissioner's authority with the DESPP commissioner's authority in the other areas of regulation. (The bill does not delete references to the state fire marshal in section (4(j)).) In another conforming change, the bill takes the regulations pertaining to rocketry out of the state fire prevention code, which is enforced by the state fire marshal, to reflect DESPP's restored authority to regulate rocketry. It returns to DESPP jurisdiction statutes on model rocketry that were to expire on January 1, 2015. Overall, the changes affect procurement, manufacture, transportation, storage, sales, and use of the products.

The bill creates a mechanism for regulating all supervised uses or displays of special effects produced by pyrotechnics or flame producing devices, which includes DESPP permitting and competency certification, local site inspection, fees, and criminal penalties. It thereby extends regulation to (1) outdoor use and (2) flame-producing

devices.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013, except a technical change related to the reinstatement of the model rocketry provisions, which is effective upon passage, and the provisions reinstating the model rocketry provisions, which are effective January 1, 2015.

REGULATION OF PYROTECHNICS AND SPECIAL EFFECTS

Current law requires operators to have a state permit to use pyrotechnics, sparklers, and fountains indoors for special effects. This bill requires them to have a permit for supervised displays, whether indoors or outdoors. It also extends the permit requirement to flame-producing devices used to produce special effects.

As is the case with the existing permit for indoor use, the bill applies to municipalities, fair associations, amusement parks, other organizations or groups of individuals, and artisans pursuing their trade.

Permit Application

An applicant for a permit to display special effects must submit a written DESPP application at least 15 days before the display date, or upon such notice as the DESPP commissioner prescribes in regulation. DESPP cannot issue the permit until the:

1. fire marshal for the municipality where the display is to be held inspects the display site and determines that it complies with regulations and
2. police and fire chiefs or, where there is none, the municipality's chief executive officer, approves the site. The display must be of a character and so located, discharged, or fired as, in the officials' opinion, after proper inspection, not to be hazardous to property or endanger anyone.

The permit is valid only for the event and cannot be transferred. The

commissioner may suspend or revoke it for violation of any law, regulation, or ordinance dealing with special effects.

The permit fee is \$100 and is payable to the state treasurer.

Regulations and Exemptions and Variations

The bill requires the DESPP commissioner to adopt regulations for issuing permits, including provisions for determining the competence of anyone intending to discharge or fire such special effects.

He may grant, in writing, variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the regulations if strict compliance would entail practical difficulty or unnecessary hardship or is otherwise considered unwarranted. Any such variation, exemption, or equivalent or alternate compliance must, in his opinion, secure the public safety.

Competency Certificates

The bill authorizes the DESPP commissioner to adopt regulations including provisions for determining the competence of people intending to discharge or fire special effects. The regulations do not apply to people using minimal amounts of pyrotechnics or flame-producing devices in ceremonial activities.

The bill's provisions are substantially similar (though not identical) to those governing indoor use and display of special effects under existing law. For example, the bill requires anyone handling, discharging, or firing pyrotechnic or flame-producing devices for special effects use or display to be supervised by someone who has a DESPP competency certificate attesting to his or her competence to supervise the handling, discharge, or firing of special effects. But the bill does not appear to extend to the outdoor use and display of special effects the liability insurance required for the use of pyrotechnics for indoor special effects (CGS § 29-359).

The certificate costs \$200 and is renewable every three years for \$190. The fees are payable to the state treasurer. The certificate is not transferable and the DESPP commissioner may suspend or revoke it

for cause.

Violations and Penalties

A violation of the bill's new permit or certificate requirements is a class A misdemeanor, punishable by imprisonment for up to one year, a fine up to \$2,000, or both. If death or injury results from the violation, it is a class C felony, punishable by up to 10 years imprisonment, a fine of up to \$10,000, or both.

Non-resident firms, corporations, or persons applying for a permit must appoint, in writing, the secretary of the state to be the attorney on whom process must be served in any action against them.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)